

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**SCOTT R. MARCUM AND KERSTIN
MARCUM,**

Plaintiffs,

v.

**COLUMBIA GAS TRANSMISSION, LLC,
COLUMBIA GAS TRANSMISSION
COMMUNICATIONS CORPORATION,
CROWN CASTLE INTERNATIONAL
CORP. AND PERCHERON, LLC,**

Defendants.

CIVIL ACTION

NO. 19-3873

O R D E R

AND NOW, this 19th day of July, 2021, upon consideration of Defendant Columbia Gas Transmission, LLC’s (“Columbia”) Motion for Summary Judgment (ECF Nos. 61 & 85) and Plaintiffs’ response thereto (ECF Nos. 84 & 86-1); Columbia’s Motion to Preclude the Testimony and Opinions of Chad Ingram (ECF No. 60) and Plaintiffs’ response thereto (ECF No. 81); and Columbia’s Motion to Preclude the Testimony and Opinions of James Tupitza (ECF No. 59) and Plaintiffs’ response thereto (ECF No. 80), **IT IS ORDERED** that:

1. Columbia’s Motion for Summary Judgment (ECF No. 61) is **GRANTED IN PART** and **DENIED IN PART**:
 - a. With respect to Count Two (negligent construction and failure to maintain), Count Four (violation of the Pennsylvania Storm Water Management Act), Count Five (nuisance), and Count Six (trespass), the Motion is **DENIED**.
 - b. With respect to Count Seven (breach of fiduciary duty), the Motion is **GRANTED**, and this claim is **DISMISSED WITH PREJUDICE**.

2. Columbia's Motion to Preclude the Testimony and Opinions of Chad Ingram (ECF No. 60) is **DENIED**.

3. Columbia's Motion to Preclude the Testimony and Opinions of James Tupitza (ECF No. 59) is **DENIED WITHOUT PREJUDICE**.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.